



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John E. Auer et al.

Examiner: N/A

Serial No.:

09/991,437

Group Art: 2166

Filed:

November 17, 2001

RECE"/ED

For: A SYSTEM

AND METHOD FOR

OCT 2 7 2003

ANNOTATING INFORMATION

PATIENT MEDICAL

**GROUP 3600** 

## INFORMATION DISCLOSURE STATEMENT WITH CERTIFICATION AND PETITION FOR CONSIDERATION UNDER 37 CFR § 1.97

Mail Stop Group 2166 Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

SIR:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO 1449. Copies of the listed documents are also enclosed.

This information is being submitted prior to the mailing of a first office action. Accordingly, no fee is due with this submission. Additionally, this information was cited in a search report received in the corresponding PCT application. A copy of the search report dated September 5, 2003 is attached. This information is being cited within three (3) months within the time from the applicant received this information.

Petition under 37 CFR § 1.97(d)

The undersigned hereby petitions that the Examiner consider the information

cited in this Statement.

It is respectfully requested that the above information be considered by the

Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such

information has been considered.

I hereby declare that all statements made herein of my own knowledge are

true and that all statements made on information and belief are believed to be true; and

further that these statements were made with the knowledge that willful false statements and

the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title

18 of the United States Code and that such willful false statements may jeopardize the

validity of the application or any patent issued thereon.

Respectfully submitted,

By:

350 Broadway, Suite 1507 New York, New York 10018

(212) 971-9017

Dated: October 1, 2003

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

nder the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Substitute for form 1449/PTO

Sheet 1

(Use as many sheets as necessary)

of 2

C mplete if Known Application Number 09/991,437 Filing Date November 17, 2001 First Named Inventor John E. Auer Art Unit 2166 Examiner Name N/A Attorney Docket Number 2000P09058US01

U. S. PATENT DOCUMENTS								
Examiner Initials*	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevan Figures Appear			
		Number-Kind Code <sup>2 (if known)</sup> US-			Figures Appear			
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FOREIGN PATENT DOCUMENTS										
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>				
		Country Code <sup>3 -</sup> Number <sup>4 -</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY							
		WO-98-29790A	07-09-1998	Phyllis Gotlib						
		WO-98-59487A	12-30-1998	Enact Health Ma						
		EP-0-676-709	10-11-1995	Spacelabs Medic						
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Examiner	D	Date	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.